REMARKS

Claims 1 and 8-15 are pending. Claims 1 and 8-11 have been amended. Claim 2-6 have been canceled. Claims 13-15 have been added. No new matter has been introduced. Reexamination and reconsideration of the present application is respectfully requested.

In the February 6, 2006 Office Action, the Examiner rejected claims 1-6 and 8-9 under 35 U.S.C. § 103 (a) as being unpatentable over Galloway, U.S. Patent No. 6,388,575 (hereinafter Galloway) in view of Doany, U.S. Patent No. 6,377,203 (hereinafter Doany). The Examiner rejected claims 10-12 under 35 U.S.C. § 103 (a) as being unpatentable over Galloway in view of Alkire et al., U.S. Patent No. 6,356,082 (hereinafter Alkire) and further in view of Doany. Applicants respectfully traverse the rejections in view of the claims as amended.

Independent claim 1, as amended now recites:

> A method of locating multiple passive electronic marker types, said method comprising:
> simultaneously transmitting a signal at each of a plurality of frequencies;
> simultaneously receiving a signal from each of a plurality of markers; and
> determining a marker type for each of the plurality of markers based upon said receiving, ***wherein said determining a marker type includes determining a frequency distribution of each received signal, and each received signal is passed in parallel through each of a plurality of narrow-band filters.***

The Galloway reference does not disclose, teach or suggest the method claimed in independent claim 1, as amended. As the Examiner has acknowledged, Galloway does not disclose, teach or suggest "simultaneously transmitting a signal at each of a plurality of frequencies" or "simultaneously receiving a signal from each of a plurality of markers."

In addition, unlike the method specified in claim 1, Galloway does not teach a method "***wherein said determining a marker type includes determining a frequency distribution of each received signal, and each received signal is passed in parallel through each of a plurality of narrow-band filters.***" Instead Galloway discloses an apparatus which includes a

transmitter/receiver 23 to transmit a single signal 25 at a frequency of interest in order to locate an electrical marker and to receive and decode a response from a single located electrical marker. *(Galloway; Col. 3, line 60- Col. 4, line 31)* The transmitter/receiver further includes a single bandpass filter which excludes noise above and below a particular frequency band. However, the method specified in independent claim 1, as amended is distinct from Galloway because Galloway fails to disclose, teach, or suggest that "***each received signal is passed in parallel through each of a plurality of narrow-band filters.***" Accordingly, Applicants respectfully submit that independent claim 1 distinguishes over the Galloway reference.

The Doany reference does not make up for the deficiencies of the Galloway. The Doany reference discloses a data transmission and receiving system which attempts to receive transmissions from multiple sources simultaneously. *(Doany; Col. 4, lines 3-9)* The system includes a locator 6 which is used to locate underground utility lines. The locator unit 6 transmits an interrogation signal to the RFID tags used to mark underground communication lines and oil pipelines in the locator's proximity. RFID tags reply creating RF collisions in a primary communications channel P21. In turn, the locator 6 commands the RFID tags to transmit a second reply using one of a set of secondary channels G0 –G15 assigned using a first portion of each RFID tag's unique serial identification number. *(Doany; Col. 6, lines 23-46)* Nevertheless, Doany fails to disclose teach or suggest a method including "***simultaneously transmitting a signal at each of a plurality of frequencies.***" Doany also, fails to disclose, teach, or suggest a plurality of narrow-band filters. Therefore, the combination of the Galloway and Doany fails to disclose teach or suggest a method including "simultaneously transmitting a signal at each of a plurality of frequencies" or a method "***wherein said determining a marker type includes determining a frequency distribution of each received signal, and each received***

signal is passed in parallel through each of a plurality of narrow-band filters." Accordingly, Applicants respectfully submit that claim 1, as amended distinguishes over Galloway in combination with Doany.

Claims 10 and 13 recite similar limitations to those in independent claim 1, as amended. Accordingly, Applicants respectfully submit that claims 10 and 13 distinguish over Galloway in combination with Doany for reasons similar to those set forth above with respect to independent claim 1, as amended.

Claims 8-9 and 11-12, and 14-15 depend from independent claims 1, 10, and 13, respectively. Accordingly, Applicants respectfully submit that claims 8-9 and 11-12 and 14-15 distinguish over Galloway in combination with Doany for the same reasons set forth above with respect to claims 1, 10, and 13.

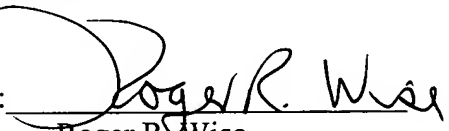
With respect to claims 10-12, the Alkire reference does not make up for the deficiencies of Galloway. The Alkire reference discloses a locator which utilizes a two-way radio link and includes a transmitter 18 and a receiver 30 to receive a signal at a selected transmission frequency. *(Alkire; Col. 6, lines 5-20 and Col. 7, lines 12-29)* The locator is capable of displaying the magnitude of the frequency of the signal (fi) transmitted via transmitter 18. *(Alkire; Col. 7, lines 12-29)* However, the combination of Galloway, Doany and Alkire does not disclose, teach or suggest a method which includes "***simultaneously transmitting at each of a plurality of marker type frequencies***" or a method "***wherein said determining a marker type includes determining a frequency distribution of each received signal, and each received signal is passed in parallel through each of a plurality of narrow-band filters."*** Accordingly, Applicants respectfully submit that claims 10-12 distinguish over Galloway in combination with Doany and Alkire.

In view of the foregoing amendment and remarks, Applicants believe that the claims are in condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference call would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: August 07, 2006

By: 

Roger R. Wise
Registration No. 31,204
Customer No. 24796

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033